

DOC #:

DATE FILED: 4/23/08

APR 21 2008
HAROLD BAER
U.S. DISTRICT JUDGE
S.D.N.Y.THE CITY OF NEW YORK
LAW DEPARTMENT100 CHURCH STREET
NEW YORK, NEW YORK 10007MICHAEL A. CARDODOZ
*Corporation Counsel*SHAWN D. FABIAN
Assistant Corporation Counsel
E-mail: shfabian@law.nyc.gov
Phone: (212) 788-0906
Fax: (212) 788-9776

April 18, 2008

BY FIRST CLASS MAIL

Honorable Harold Baer
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Dennis Vega v. City of New York, et al. 08 Civ. 1134 (HB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter.¹ Without appearing or making any representations on behalf of the individually named Undercover Police Officer # 4847 as to the adequacy of service or otherwise, I write to respectfully request that his time to respond to the complaint in this action be extended from April 21, 2008 until May 5, 2008, in order to ensure that his defenses are not jeopardized while this office continues its efforts to locate him. Plaintiff's counsel, Steven Hoffner, Esq., consents to this request.

Such an enlargement should allow time for this office to locate the individually named defendant and determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent him. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision

¹ Defendant City of New York will file its answer to plaintiff's complaint by April 21, 2008, pursuant to Your Honor's February 29, 2008 Order.

Defendant City previously requested an enlargement of time to answer or otherwise respond to the complaint from February 25, 2008 until April 21, 2008. Your Honor granted that request. At this time, this office respectfully requests that defendant Undercover Police Officer # 4847's time to answer or otherwise respond to the complaint be extended to May 5, 2008. Such an enlargement of time would not effect any other dates as previously set by the Court in Your Honor's April 3, 2008 Scheduling Order.

Thank you for your consideration herein.

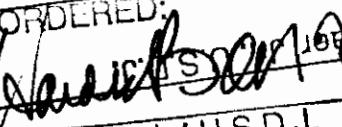
Respectfully submitted,



Shawn D. Fabian (SF4606)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Steven Hoffner, Esq. (By First Class Mail)
Attorney for Plaintiff
350 Broadway, Suite 1105
New York, New York 10013

*To answer or move
for H + 8/17 is extended to
May 5, 08. The PTSO remains
as defined*

~~SO ORDERED:~~

Harold Baer, Jr. U.S.D.J.
~~SO ORDERED: 4/23/08~~

Endorsement:

Time to answer or move for #4847 is extended to May 5, 2008.
The PTSO remains in effect.